



DEPARTMENT OF PERSONNEL

209 E. Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
www.state.nv.us/personnel/

MEMO PERD #03/04

January 26, 2004

TO: Department Directors
Division Administrators
Employee Organizations

FROM: Jeanne Greene, Director
Department of Personnel

SUBJECT: NPD-54 - FORMAL APPEAL FORM

A new form titled "Formal Appeal" (NPD-54) has been developed to simplify and provide consistency in the appeal of disciplinary actions. For your convenience, a copy of this form is attached. It is also available for downloading on the Department of Personnel's website at <http://dop.nv.gov>.

Employees wishing to appeal their involuntary transfer, suspension, demotion or termination should be informed that the NPD-54 provides information and instruction for requesting an appeal before a Hearings Officer. Additionally, the form should aid agency personnel in addressing questions regarding the hearings process.

I would like to thank you in advance for your help in facilitating the use of this new form. It will assist the Department of Personnel in effectively addressing all hearing requests. Should you have any questions regarding the contents of this memo, please contact Jo Justice at (775) 684-0141 or via e-mail at jjustice@dop.nv.gov.

JG:cp

Attachment NPD-54

cc Agency Personnel Liaisons
Agency Personnel Representatives

The appeal procedure and statements made on this form do not include all the rights available to an appellant. NRS 284 and NAC 284 should be reviewed prior to filing an appeal.

APPEAL PROCEDURE

- A formal appeal must be filed within 10 working days after the effective date of the disciplinary action. All parties may consult with and receive the assistance of a representative or attorney of their choice, NRS 284.390; Peace Officers, NRS 289.080.
- All information requested on this form must be provided.
- The normal course of action in the appeal procedure is as follows:

Step 1 An NPD- 41 (Specificity of Charges) is given to the employee citing disciplinary action and the effective date.

Step 2: A pre-disciplinary hearing is held at the agency level.

Step 3: Employee files an appeal with the Department of Personnel. The Formal Appeal form, appellants' personnel record and NPD-41 will be forwarded to the Hearings Officer.

Step 4: Hearings Officer contacts appellant or representative and agency to set up a hearing date.

Step 5 Hearing is held with all parties.

Step 6 Hearings Officer renders a decision. The decision is binding on all parties.

If there are any questions regarding the completion of this form, please contact the Clerk to the Hearings Officer at (775) 684-0141.

THIS FORM MUST BE COMPLETELY FILLED OUT

N:\WPDOCS\FRM\npd-54 Formal Appeal.doc

1/26/2004

JG:cp

FORMAL APPEAL OF DISCIPLINE OR INVOLUNTARY TRANSFER

THIS FORM MUST BE COMPLETELY FILLED OUT
(PLEASE PRINT ALL INFORMATION)

Name of Appellant (Please Print):		Work Phone:	
Job Title:		Home Phone:	
Date of Hire:		Internal Identification Number:	
Home Mailing Address		Work Mailing Address	
Street or P.O. Box:	State:	Dept:	Div/Section:
City:	State:	Street or P.O. Box:	State:
Zip:	State:	City:	Zip:
Action (Please check applicable action)		Effective Date of Action:	
Dismissal <input type="checkbox"/>	Suspension <input type="checkbox"/>	Demotion <input type="checkbox"/>	Involuntary Transfer <input type="checkbox"/>
NRS 284.390 states, "Hearing to determine reasonableness of dismissal, demotion or suspension; judicial review.			
<ol style="list-style-type: none">1. Within 10 working days after the effective date of his dismissal, demotion or suspension pursuant to NRS 284.385, an employee who has been dismissed, demoted or suspended may request in writing a hearing before the hearing officer of the department to determine the reasonableness of the action. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's dismissal, demotion or suspension.2. The hearing officer shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee or there is a conflict with the hearing calendar of the hearing officer, in which case the hearing must be scheduled for the earliest possible date after the expiration of the 20 days.3. The employee may represent himself at the hearing or be represented by an attorney or other person of the employee's own choosing.4. Technical rules of evidence do not apply at the hearing.5. After the hearing and consideration of the evidence, the hearing officer shall render his decision in writing, setting forth the reasons therefor.6. If the hearing officer determines that the dismissal, demotion or suspension was without just cause as provided in NRS 284.385, the action must be set aside and the employee must be reinstated, with full pay for the period of dismissal, demotion or suspension.7. The decision of the hearing officer is binding on the parties.8. Any petition for judicial review of the decision of the hearing officer must be filed in accordance with the provisions of chapter 233B of NRS."			
NRS 284.376 states, "Involuntary transfer; hearing; remedies.			
<ol style="list-style-type: none">1. Within 10 working days after the effective date of his transfer pursuant to the provision of NRS 274.375, a permanent classified employee who has been transferred without his consent may request in writing a hearing before the hearing officer of the department to determine whether the transfer was made for the purpose of harassing the employee. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's transfer. The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive.2. If the hearing officer determines that the transfer was made for the purpose of harassing the employee, the transfer must be set aside and the employee must be returned to his former position. If the transfer caused the employee to be away from his original headquarters, the employee is entitled to be paid expense allowances as provided in NRS 281.160 for the period the transfer was in effect.3. The decision of the hearing officer is binding on the parties."			
Please hand deliver or mail this form to:		Department of Personnel Clerk to the Hearing Officer 209 East Musser Street, Room 101 Carson City, Nevada 89701-4204	
Any pertinent information you wish to provide to the Hearings Officer should accompany this form			
Appellant signature: _____		Date: _____	
By signing this form you are requesting a hearing to determine the reasonableness of the discipline or involuntary transfer and are granting the Department of Personnel authorization to provide a copy of your personnel record to the designated Hearings Officer.			